

000085

COMMITTEE ACTION SHEET

COUNCIL DOCKET OF

4.22.08

☐ Supplemental

☐ Adoption

☒ Consent

☐ Unanimous Consent

Rules Committee Consultant Review

R -

O -

Los Penasquitos North Wetland Creation Project – Habitat West, Inc., Design/Build Services – C.C.O. No. 2

☒ Reviewed

☐ Initiated

By NR&C

On 3/26/08

Item No. 3

RECOMMENDATION TO:

Approve.

VOTED YEA: Frye, Faulconer, Peters, Atkins

VOTED NAY:

NOT PRESENT:

CITY CLERK: Please reference the following reports on the City Council Docket:

REPORT TO THE CITY COUNCIL NO.

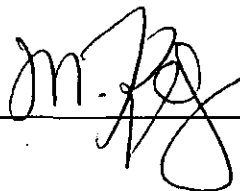
INDEPENDENT BUDGET ANALYST NO.

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

Metropolitan Wastewater Department's December 31, 2007, Executive Summary Sheet

COUNCIL COMMITTEE CONSULTANT



000087

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:	December 31, 2007	REPORT NO.:
ATTENTION:	Council President and City Council	
ORIGINATING DEPARTMENT:	Metropolitan Wastewater Department	
SUBJECT:	Los Penasquitos North Wetland Creation Project – Habitat West, Inc., Design/Build Services – C.C.O. No. 2	
COUNCIL DISTRICT(S):	1	
STAFF CONTACT:	Keli Balo (858)292-6423	

REQUESTED ACTION:

Approval of Contract Change Order No. 2 to the Design/Build agreement with Habitat West, Inc., providing for a time extension for a period of three (3) additional years from the expiration date of the existing contract.

STAFF RECOMMENDATION:

Adopt the Ordinance.

EXECUTIVE SUMMARY:

On October 4, 2004 the City entered into an agreement with Habitat West, Inc., with a Document Number RR-299709. The agreement, in the amount of \$679,995, included the design and construction support work associated with the Los Penasquitos North Wetland Creation project. The project consists of the creation of 3.8 acres of wetland habitat to be used as compensatory mitigation for past and future impacts to wetlands within the Los Penasquitos Creek Watershed.

Habitat mitigation projects involve construction, installation, and a mandatory 5 year maintenance and monitoring period. The Los Penasquitos North Wetland Creation project is currently in year 2 of the 5 year maintenance period. The existing contract and requested 3 year extension with Habitat West, Inc., would exceed five years and requires a time extension to complete the current activities related to the long-term maintenance of the mitigation site.

This request is for a "NO COST" time extension for three (3) additional years from the expiration date of the existing contract. The contract will expire on August 4, 2008. This Contract Change Order will enable Habitat West, Inc., to continue to provide maintenance services for the Los Penasquitos North Wetland Creation Project as required by regulatory permits.

EQUAL OPPORTUNITY CONTRACTING

The prime contractor, Habitat West, Inc., is a WBE/DBE contractor and holds 67.2% of the contract.

Funding Agency:	City of San Diego
Goals:	15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
Subconsultant Participation:	Dudek and Associates (Other) – 4.2%
Subcontractor Participation:	Robert Engineering (Other) – 28.6%
Other:	Habitat West is a Certified WBE (Women Business Enterprise) firm. A work force report has been submitted. Habitat West Inc. has demonstrated efforts to diversify their workforce which precludes the need to request an Equal Opportunity Plan.

000089

DOCKET SUPPORTING INFORMATION

CITY OF SAN DIEGO

DATE:

EQUAL OPPORTUNITY CONTRACTING PROGRAM EVALUATION

March 13, 2008

SUBJECT: Los Penasquitos North Wetland Creation Project – Habitat West Inc., Design/Build Services – C.C.O. No. 2

GENERAL CONTRACT INFORMATION

Amount of this Action: No Cost
 Recommended Consultant: Habitat West, Inc. (Women Business Enterprise)
 Original Contract: \$679,995
 Cumulative Amount: \$679,995
 Funding Source: City

SUBCONSULTANT PARTICIPATION

	<u>This Action</u>	<u>Cumulative</u>	
Dudek and Associates (Other)	\$0 0%	\$ 28,559.79	4.2%
Robert Engineering (Other)	\$0 0%	\$194,478.57	28.6%
Total Certified Participation	\$0 0%	\$ 0.00	0.0%
Total Other Participation	\$0 0%	\$223,038.36	32.8%
Total Subconsultant Participation	\$0 0%	\$223,038.36	32.8%

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE**Equal Opportunity Required**

Habitat West, Inc. submitted a Work Force Report for their San Diego County employees dated February 8, 2008 indicating 2 employees in the Administrative Work Force and 27 employees in the Construction Trades Work Force. The Administrative Work Force reflects fewer than fifteen employees and is therefore, exempt from employment category goals. The Construction Trades Work Force Analysis reflects under representations in the following:

Asians in Helpers, Construction Trades
 Filipinos in Helpers, Construction Trades

Habitat West, Inc. is a Certified WBE (Women Business Enterprise). Habitat West, Inc. has demonstrated efforts to diversify their workforce which precludes the need to request an Equal Opportunity Plan.

ADDITIONAL COMMENTS

The *Work Force Analysis* is attached.

JLR

000090

DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO

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ADDITIONAL COMMENTS

The *Work Force Analysis* is attached.

JLR

File: Admin WOFO 2000

Date WOFO Submitted: 2/8/2008
Input by: jlr

Goals reflect statistical labor force
availability for the following: 2000 CLFA
San Diego, CA

City of San Diego/Equal Opportunity Contracting
WORK FORCE ANALYSIS REPORT

FOR
Company: Habitat West Inc.

I. TOTAL WORK FORCE:

	Black		Hispanic		Asian		American Indian		Filipino		White		Other	
CLFA Goals	M	F	Goals	M	F	Goals	M	F	Goals	M	F	Goals	M	F
Mgmt & Financial	3.3%	0	0	11.9%	0	0	6.2%	0	0	6.2%	0	0	0	0
Professional	4.0%	0	0	12.6%	0	0	6.5%	0	0	6.5%	0	0	0	0
A&E, Science, Computer	2.8%	0	0	7.3%	0	0	16.2%	0	0	16.2%	0	0	0	0
Technical	6.6%	0	0	14.8%	0	0	17.2%	0	0	17.2%	0	0	0	0
Sales	3.9%	0	0	19.5%	0	0	6.8%	0	0	6.8%	0	0	0	0
Administrative Support	7.0%	0	0	20.8%	0	0	8.8%	0	0	8.8%	0	0	0	0
Services	5.5%	0	0	38.9%	0	0	9.7%	0	0	9.7%	0	0	0	0
Crafts	4.5%	0	0	25.8%	0	0	9.1%	0	0	9.1%	0	0	0	0
Operative Workers	4.3%	0	0	38.8%	0	0	20.8%	0	0	20.8%	0	0	0	0
Transportation	8.1%	0	0	32.1%	0	0	4.5%	0	0	4.5%	0	0	0	0
Laborers	4.4%	0	0	54.0%	0	0	4.1%	0	0	4.1%	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	2	0	0	0

HOW TO READ TOTAL WORK FORCE SECTION:

The information blocks in Section 1 (Total Work Force) identify the absolute number of the firm's employees. Each employee is listed in their respective ethnic/gender and employment category. The percentages listed under the heading of "CLFA Goals" are the County Labor Force Availability goals for each employment and ethnic/gender category.

Mgmt & Financial
Professional
A&E, Science, Computer
Technical
Sales
Administrative Support
Services
Crafts
Operative Workers
Transportation
Laborers

TOTAL

TOTAL EMPLOYEES		
ALL	M	F
2	0	2
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
2	0	2

Female Goals
39.6%
59.5%
22.3%
49.0%
49.4%
73.2%
62.3%
8.6%
36.7%
15.2%
11.1%

HOW TO READ EMPLOYMENT ANALYSIS SECTION:

The percentages listed in the goals column are calculated by multiplying the CLFA goals by the number of employees in that job category. The number in that column represents the percentage of each protected group that should be employed by the firm to meet the CLFA goal. A negative number will be shown in the discrepancy column for each underrepresented goal of at least 1.00 position.

II. EMPLOYMENT ANALYSIS

This firm has fewer than 15 employees and is, therefore, exempt from the employment category goals.

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[illegible]

000093

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

N/A

TO: CITY ATTORNEY 2. FROM (ORIGINATING DEPARTMENT): METROPOLITAN WASTEWATER DEPARTMENT 3. DATE: 12/31/07

4. SUBJECT: Los Penasquitos North Wetland Creation Project – Habitat West, Inc., Design/Build Services – C.C.O. No. 2

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) Keli Balo (858) 292-6423, MS 901 6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Laura Ball (858) 292-6417, MS 901 7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED ☐

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	41506				9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	776				
ORGANIZATION	722				R-299709 \$679,995
OBJECT ACCOUNT	4222				Contract Change Order #1 No Cost
JOB ORDER	764073				This Request:
C.I.P. NUMBER	N/A				Contract Change Order #2 No Cost
AMOUNT	No Cost				Total Contract \$679,995

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT.		3/5/08	8	DIRECTOR OF PUBLIC UTILITIES		3/14/08
2	E.O.C.		3/14/08	9	CITY ATTY		3/27/08
3	E.A.S.		3/18/08	10	C.O.O.		
4	LIAISON OFFICE		4/9/08	11	ORIG. DEPT.		3/28/08
5	F.M.		3/19/08		DOCKET COORD:		SC 4/9/08
6	AUDITOR		3/25/08		COUNCIL PRESIDENT		
7					<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION		
					<input type="checkbox"/> REFER TO: COUNCIL DATE: 4/22/08		

11. PREPARATION OF: ☐ RESOLUTIONS ☒ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

1. Authorizing the Mayor, or his designee, to execute Contract Change Order No. 2 to the agreement with Habitat West, Inc., providing for a time extension for a period of three (3) additional years from the expiration date of the existing contract.

11A. STAFF RECOMMENDATIONS:

Adopt the Ordinance.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 1

COMMUNITY AREA(S): Los Penasquitos Canyon Preserve

ENVIRONMENTAL IMPACT: This activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines 15060.6. This activity is a subsequent discretionary approval covered under Program EIR, PTS No. 6020, dated December 15, 2003. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines section 15378.

ATTACHMENTS: Contract Change Order No. 2 with Habitat West, Inc.

CITY CLERK INSTRUCTIONS: Please forward two copies of the Ordinance to MWWD, MS 901A, Attn: Rose Salarda.

NOTE: This action is subject to Charter Section 99: 6 votes required for approval.

DATE REPORT ISSUED:	December 31, 2007	REPORT NO.:
ATTENTION:	Council President and City Council	
ORIGINATING DEPARTMENT:	Metropolitan Wastewater Department	
SUBJECT:	Los Penasquitos North Wetland Creation Project – Habitat West, Inc., Design/Build Services – C.C.O. No. 2	
COUNCIL DISTRICT(S):	1	
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FISCAL CONSIDERATIONS:

None with this action.

000095

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-299709 Authorized contract in the amount of \$679,995.

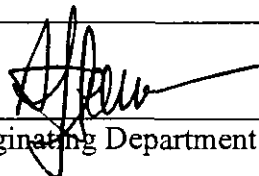
This action will be reviewed by the Natural Resources and Culture Committee on March 26, 2008.

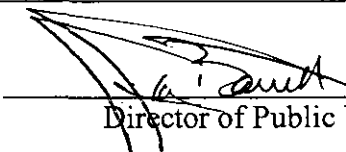
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Habitat West, Inc.



Originating Department

Director of Public Utilities

CITY of SAN DIEGO - METROPOLITAN WASTEWATER DEPARTMENT

Job Order No. 764073

CHANGE ORDER FORM

Sheet 1 of 3

Date 01/02/2008

Contract Change Order No. 2 to Contract for:

Title Los Penasquitos North Wetlands Creation Project

Contractor Habitat West

Payment to the contractor for these change order items shall provide full compensation for all equipment, materials, labor, field and home office overhead, mark-ups, and profit necessary to complete the work. By executing this contract change order, contractor agrees that no additional compensation or claims for items of work in this change order will be allowed.

Description:

Increase

Decrease

1. See attached sheet (2 of 3) for continuation.

000097

CONTRACT INFORMATION

Resolution No.: R-299709

Fund: 41506

P.O. Number: 5074120

Contract Doc.

C.I.P. No.: N/A

Aud. Cert.

No.: 2500124

Ref. Dwg.

No.: N/A

Original Contract Amount \$679,995.00

Contract Amount Authorized

Through Phase Funding \$0.00

Prior Change Orders \$0.00

Amount This Change Order \$0.00

New Contract Value \$679,995.00

The cost of the Change Order () is () is not available from the contingency funds authorized for the contract. No additional funds are requested. The Change Order will (X) not change () increase () decrease the amount of the contract based on:

() An Agreed Lump Sum of

() Unit Prices agreed upon totaling

() Time and Materials

\$

\$

\$

Original/Previous Contract duration: 1393 calendar days. Requested by this Change Order 1095. NEW CONTRACT DURATION: 2488 calendar days.

ORIGINAL CONTRACT COMPLETION DATE: 7/25/07

NEW CONTRACT COMPLETION DATE: 8/4/2011

Accepted:

Contractor

Date

Recommended By:

Construction Manager

Date

MWWD Project Manager

Date

MWWD Sr. Project Manager

Date

MWWD Contracts Manager

Date

MWWD Deputy Director, E& PM

Date

MWWD Sup. Admin. Analyst

Date

Funds Cert. by

Auditor

Date

Executed By:

Mayor or Designee

Approved as to form

City Attorney

Return to Metropolitan Wastewater Department, Contracts Management, MS901

COPY TO

- () AUDITOR 6A w/ enclosure
- () CONTRACTOR w/o enclosure
- () MWD CM w/ enclosure
- () W.O. FILE w/ enclosure
- () PROJECT MANAGER w/ enclosure
- () CONSTRUCTION MANAGER w/ enclosure

NO AC

Los Penasquitos North Wetlands Creation Project
Habitat West

Page 2 of 3

Change Order No. 2**DESCRIPTION OF WORK****000098**Description

Increase

Decrease

Time

Additional time to complete Milestone 9, Optional
Maintenance Years. One thousand ninety-five (1095)
additional calendar days to complete maintenance years
3- 5. This additional time would allow for the completion
of Years 3-5 maintenance through contract completion.

1095 days

Subtotal Amount	\$0.00	\$0.00	0
Total Net Change Order Amount	\$0.00		

~~Los Perros~~ North Wetlands Creation Project
Habitat West

JUSTIFICATION FOR ENTITLEMENT

OWNER elected optional maintenance period. Project permits require 5 years of project maintenance following completion of construction and 120-day plant establishment period. The additional time would allow for CONTRACTOR to complete all 5 years of required maintenance and obtain regulatory sign off.

000099

MILESTONE REQUIREMENTS

Item No. 1.

Interim Milestone 1 – Preparation of Construction Drawings

Interim Milestone 2 – Seed and Plant Procurement – 90 calendar days following NTP

Interim Milestone 3 – Site Preparation - 49 calendar days following issuance of agency permits.

Interim Milestone 4 - Revegetation Completion - 70 calendar days following site preparation

Interim Milestone 5 - Plant Establishment Period – 120 calendar days following Revegetation Completion

Interim Milestone 6 – Year One Maintenance and Warranty Period- 365 days following completion of Milestone 5

Interim Milestone 7 - Year Two Maintenance and Warranty Period – 365 days following completion of Milestone 6

Interim Milestone 8 – Contract Completion- 1393 calendar days following NTP

Milestone 9 - Optional Maintenance Periods – 1095 calendar days following Year Two Maintenance Period

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE CITY COUNCIL AUTHORIZING
CHANGE ORDER NO. 2 TO THE AGREEMENT WITH
HABITAT WEST, INC. REGARDING LOS PEÑASQUITOS
NORTH WETLAND CREATION PROJECT.

WHEREAS, Habitat West, Inc. is providing design/build services in connection with
habitat mitigation at Los Peñasquitos Lagoon, including maintenance services; and

WHEREAS, the current agreement for such services expires in August 2008; and

WHEREAS, a no-cost extension of three years to the term of the agreement will allow
Habitat West, Inc. to continue their maintenance services and keep the City in compliance with
regulatory permits; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

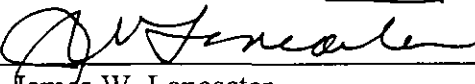
Section 1. That the Mayor or his designee is authorized to execute, for and on behalf of
the City, Change Order No. 2 , dated January 2, 2008, on file in the office of the City Clerk as
Document No. OO-_____, together with the changes set forth, amounting to
an extension of time of 1,095 calendar days, issued in connection with the agreement between
the City and Habitat West, Inc., said agreement being in file in the office of the City Clerk as
Document No. RR-299709.

Section 2. That the above activity is not subject to the California Environmental Quality
Act pursuant to CEQA Guidelines sections 15060(c)(3) and 15378 because this activity is a
subsequent discretionary approval of a project which was adequately addressed in Environmental
Impact Report, PTS No. 6020, and there is no change in circumstance, additional information, or
project changes to warrant additional environmental review.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
James W. Lancaster
Deputy City Attorney

JWL:mb
03/27/08
Aud.Cert:N/A
Or.Dept:MWWD
MWD-8067
O-2008-124

I hereby certify that the foregoing ordinance was passed by the Council of the City of San Diego, at its meeting of _____.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor